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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<p>CARL A. SCHEUERING,</p> <p>Plaintiff,</p> <p>v.</p> <p>UNITED STATES OF AMERICA, HENRY SLAUGHTER, JIM GRIMES, MAUREEN GREEN, MAUREEN A. JUDGE, BILL R. BANOWSKY, VANESSA FLEMING, GERARD BOUCHER, H. GONZALEZ, and R. DETORO,</p> <p>Defendants.</p>	<p>14 Civ. 932-NSR</p> <p>DEFENDANTS' MOTION TO DISMISS</p>
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PLEASE TAKE NOTICE that, upon this notice, the accompanying memorandum of law in support of the motion to dismiss the Complaint by defendants Vanessa Fleming ("Fleming") an Gerard Boucher ("Boucher," together with Fleming, the "Defendants") and all prior pleadings and proceedings had herein, Defendants will respectfully move this Court before the Honorable Nelson S. Román, U.S.D.J., at the Hon. Charles L. Bricant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, New York, N.Y. 10601, Courtroom 218, at such time and place as the Court may direct, for an order:

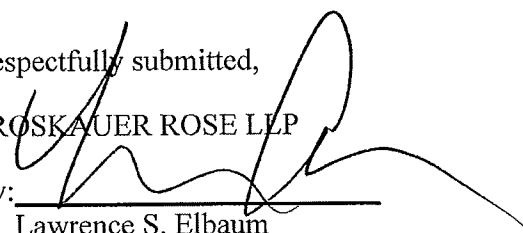
(1) pursuant to Federal Rule of Civil Procedure 12(b)(1), dismissing the claims in the Complaint against the Defendants for lack of subject matter jurisdiction; and

(2) pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing the claims in the Complaint against the Defendants for failure to state a claim upon which relief can be granted.

As Ordered by this Court during a May 23, 2014 conference, Plaintiff's opposition, if any, shall be served no later than July 23, 2014, and Defendants' reply, if any, shall be served no later than August 7, 2014.

Dated: June 23, 2014

Respectfully submitted,
PROSKAUER ROSE LLP

By: 
Lawrence S. Elbaum

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